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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Albania, Andorra,* Australia,* Austria,* Belgium, Bolivia (Plurinational State of), Bosnia-Herzegovina,* Bulgaria,* Croatia,* Cyprus,* Denmark,* Estonia,* Finland,* France, Georgia, Germany, Greece,* Hungary,* Iceland,* Italy,* Japan,* Latvia, Liechtenstein,* Lithuania,* Luxembourg,* Malta,* Monaco,* Montenegro,* Netherlands, Paraguay, Peru,* Philippines, Poland,* Portugal, Republic of Moldova,* Romania,* Serbia,* Slovakia,* Slovenia, Spain,* Sweden,* Switzerland, the former Yugoslav Republic of Macedonia, Ukraine,* United States of America:* draft resolution

32/... Trafficking in persons, especially women and children: protecting victims of trafficking and people at risk of trafficking, especially women and children in conflict and post-conflict situations

The Human Rights Council,

Guided by the Charter of the United Nations,

Reaffirming all previous General Assembly and Human Rights Council resolutions on the problem of trafficking in persons, especially women and children,

Recalling the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights,

Reaffirming the principles set forth in relevant human rights instruments and declarations, including the Convention on the Rights of the Child and the Optional Protocol thereto on the sale of children, child prostitution and child pornography, and the Convention on the Elimination of All Forms of Discrimination against Women and the Optional Protocol thereto,

* State not a member of the Human Rights Council.

Reaffirming also the United Nations Convention against Transnational Organized Crime and the Protocols thereto, and reaffirming in particular the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime,

Reaffirming further the Forced Labour Convention, 1930 (No. 29) and the Protocol of 2014 thereto, the Worst Forms of Child Labour Convention, 1999 (No. 182) and the Recommendation on Supplementary Measures for the Effective Suppression of Forced Labour, 2014 (No. 203) of the International Labour Organization,

Recalling the Domestic Workers Convention, 2011 (No. 189) and the Domestic Workers Recommendation, 2011 (No. 201) of the International Labour Organization,

Welcoming the adoption by the General Assembly of the 2030 Agenda for Sustainable Development,[1] and recalling targets 5.2, 8.7 and 16.2, which aim at eliminating all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation; taking immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour, including recruitment and use of child soldiers, and by 2025 end child labour in all its forms; and ending abuse, exploitation, trafficking and all forms of violence against and torture of children,

Taking note of the decision of the General Assembly to declare 30 July World Day against Trafficking in Persons,

Taking note also of the Recommended Principles and Guidelines on Human Rights and Human Trafficking[2] and the commentary thereon developed by the Office of the United Nations High Commissioner for Human Rights,

Recalling resolution 2015/23 of the Economic and Social Council of 21 July 2015 on the implementation of the United Nations Global Plan of Action to Combat Trafficking in Persons,

Recognizing the concern expressed by the Human Rights Committee, the Committee on the Elimination of Discrimination against Women, the Committee on the Rights of the Child, the Committee on the Rights of Persons with Disabilities and the Committee against Torture at the persistence of trafficking and the vulnerability of trafficked persons to human rights violations and abuses,

Affirming that trafficking in persons violates and impairs or nullifies the enjoyment of human rights and fundamental freedoms, continues to pose a serious challenge to humanity and requires a concerted international assessment and response and genuine multilateral, regional and bilateral cooperation among countries of origin, transit and destination for its eradication,

Recognizing that victims of trafficking in persons are often subject to multiple forms of discrimination and violence, including on the grounds of gender, age, race, disability, ethnicity, culture and religion, as well as national or social origin or other status, and that these forms of discrimination may themselves fuel trafficking in persons,

Recognizing also that poverty, unemployment, lack of socioeconomic opportunities, gender-based violence, discrimination and marginalization are some of the contributing factors that make persons vulnerable to trafficking,

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[1] General Assembly resolution 70/1.

[2] E/2002/68/Add.1.

Recognizing further the heightened vulnerability to trafficking of women and children in humanitarian crisis situations, including in conflict and post-conflict environments, natural disasters and other emergency environments,

Recognizing the need to reinforce efforts regarding the provision of relevant documents, such as birth registration documents, in order to lower the risk of being trafficked and to help to identify victims of trafficking in persons,

Noting that the availability of regular migration opportunities can be one way to reduce the risk of people being trafficked,

Noting with concern that some of the demand fostering sexual exploitation, exploitative labour and the illegal removal of organs is met by trafficking in persons,

Welcoming in particular the efforts of States, United Nations bodies and agencies and intergovernmental and non-governmental organizations, as well as regional and subregional initiatives to address the problem of trafficking in persons, especially women and children, including the Working Group on trafficking in persons established by the Conference of the Parties to the United Nations Convention against Transnational Organized Crime and the Protocols thereto, the United Nations Global Plan of Action to Combat Trafficking in Persons, adopted by the General Assembly in its resolution 64/293 of 30 July 2010, and the Inter-Agency Coordination Group against Trafficking in Persons,

Taking note of the Global Report on Trafficking in Persons of the United Nations Office on Drugs and Crime and the Global Report on Forced Labour of the International Labour Organization,

Reaffirming the importance of bilateral, subregional, regional and international cooperation mechanisms and initiatives, including information exchanges on best practices, of Governments and intergovernmental and non-governmental organizations to address the problem of trafficking in persons, especially women and children,

Bearing in mind that all States have an obligation to exercise due diligence to prevent trafficking in persons, to investigate instances of trafficking and punish perpetrators, to rescue victims and to provide for their protection and access to remedies, and that not doing so violates and impairs or nullifies the enjoyment of the human rights and fundamental freedoms of victims,

Recognizing the importance of the work of the Special Rapporteur on trafficking in persons, especially women and children, in the prevention of trafficking in persons and the promotion of the global fight against trafficking in persons and in promoting awareness of and upholding the human rights of victims of trafficking,

Convinced of the need to protect and assist all victims of trafficking, with full respect for the human rights and dignity of the victims,

1. *Notes with appreciation* the thematic report of the Special Rapporteur on trafficking in persons, especially women and children, focusing on protecting victims of trafficking and people at risk of trafficking, especially women and children, in conflict and post-conflict situations;[1]

2. *Calls upon* all States:

(*a*) To protect people, particularly women, children and other vulnerable groups in conflict affected areas, and people fleeing conflict, from all forms of trafficking in persons;

[1] A/HRC/32/41.

(*b*) To identify measures to prevent trafficking for purposes of labour exploitation of persons fleeing conflict, including by establishing safe and regular channels of migration, respecting the principle of non-refoulement and, as appropriate, examining possibilities for their access to the labour market in the host country;

(*c*) To ensure birth registration and education and to promote access to marriage registration of persons fleeing conflict, including those living in camps for internally displaced persons and refugees, as a way to address potential trafficking in children;

(*d*) To prevent and to prosecute trafficking in persons in all its forms;

(*e*) To consider granting non-national victims of trafficking residence status and assistance in line with national laws and practice, not to be made conditional on the initiation of criminal proceedings or their cooperation with law enforcement authorities;

(*f*) To train all stakeholders, including humanitarian personnel working in conflict zones and in refugee camps, to identify potential cases of trafficking and those individuals at risk of being trafficked;

(*g*) To continue predeployment training of United Nations peacekeepers, police and experts on mission on issues relating to potential cases of trafficking, consistent with the directives, guidelines, standard operating procedures, manuals and training materials issued by the United Nations Department of Peacekeeping Operations;

(*h*) To establish and/or adapt national gender-sensitive and child-friendly referral mechanisms for assistance and protection services for victims and potential child victims of trafficking in persons, including through appropriate services and measures for the physical, psychological and social recovery of child victims of trafficking in persons and for their education, allowing for their recovery and creating a protective environment for them in coordination with existing child protection systems;

3. *Invites* relevant United Nations agencies, funds and programmes, international organizations and humanitarian actors to take into account, as appropriate, the recommendations in the report of the Special Rapporteur on trafficking in persons, especially women and children,[3] in order to identify promptly possible cases of trafficking in persons and to pursue human rights-based anti-trafficking responses in conflict, post-conflict, disaster and other emergency situations;

4. *Urges* all Governments to cooperate fully with the Special Rapporteur and to respond favourably to her requests to visit their countries, to provide her with all necessary information relating to the mandate and to react promptly to her urgent appeals;

5. *Strongly encourages* Governments to refer to the Recommended Principles and Guidelines on Human Rights and Human Trafficking developed by the Office of the High Commissioner[4] as a useful tool in integrating a human rights-based approach into their responses to combat trafficking in persons;

6. *Urges* States to establish or strengthen national programmes and to engage in bilateral, subregional, regional and international cooperation, including by forging regional initiatives or plans of action,[4] to address the problem of trafficking in persons in accordance with a victim-centred approach;

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[4] Such as the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime, the Coordinated Mekong Ministerial Initiative against Trafficking, the Action Plan for the Asia-Pacific region of the Asian Regional Initiative against Trafficking in Persons, especially Women and Children, the Convention against Trafficking in Persons, Especially Women and Children, of the Association of Southeast Asian Nations and its Plan of Action, the initiatives of the European Union

7. *Also urges* States that have not yet done so to consider ratifying or acceding to, as a matter of priority, the United Nations Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, taking into consideration the central role of those instruments in the fight against trafficking in persons, and urges States parties to those instruments to implement them fully and effectively;

8. *Further urges* States, the United Nations and other international, regional and subregional organizations, as well as civil society, including non-governmental organizations, the private sector and the media, to implement fully and effectively the relevant provisions of the United Nations Global Plan of Action to Combat Trafficking in Persons and to carry out the activities outlined therein;

9. *Calls upon* Governments to intensify their efforts to address, with a view to eliminating, the demand that fosters the trafficking of women and children for all forms of exploitation, and in this regard to put in place or to enhance preventive measures, including legislative and punitive measures, to deter exploiters of trafficked persons, and to ensure their accountability;

10. *Also calls upon* Governments, the international community and all other organizations and entities that deal with conflict, post-conflict, disaster and other emergency situations to address the heightened vulnerability of women and children to trafficking and exploitation and associated gender-based violence, and to include the prevention of the trafficking of affected women and children in all such national, regional and international initiatives;

11. *Urges* Governments to devise, enforce and strengthen effective gender- and age-sensitive measures to combat and eliminate all forms of trafficking in women and children, including for sexual and economic exploitation, as part of a comprehensive anti-trafficking strategy that integrates a human rights perspective, and to draw up, as appropriate, national action plans in this regard;

12. *Also urges* Governments to ensure that the prevention of and responses to trafficking in persons continue to take into account the specific needs of women and girls and their participation in and contribution to all phases of preventing and responding to trafficking, especially in addressing specific forms of exploitation, such as sexual exploitation;

13. *Calls upon* all Governments to criminalize all forms of trafficking in persons, and to bring to justice and punish the offenders and intermediaries involved in trafficking in persons;

14. *Urges* Governments, in accordance with their respective legal systems, to take all appropriate measures, including through policies and legislation, to ensure that victims of trafficking are protected from prosecution or punishment for acts that they have

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on a comprehensive European policy and programmes on trafficking in human beings, as expressed in the European Union Strategy towards the Eradication of Trafficking in Human Beings 2012-2016, the activities of the Council of Europe and the Organization for Security and Cooperation in Europe, the activities of the Council of the Baltic Sea States, the South Asian Association for Regional Cooperation Convention on Preventing and Combating Trafficking in Women and Children for Prostitution, the Organization of American States Meetings of National Authorities on Trafficking in Persons, the Commonwealth of Independent States Agreement on Cooperation in Combating Trafficking in Persons, Human Organs and Tissues, and the activities of the International Labour Organization and the International Organization for Migration in this field.

been compelled to commit as a direct consequence of having been trafficked, and that the victims do not suffer from revictimization as a result of actions taken by government authorities, and encourages Governments to prevent, within their legal frameworks and in accordance with national policies, victims of trafficking in persons from being prosecuted or punished as a direct consequence of their illegal entry or residence;

15. *Invites* States and other interested parties to make further voluntary contributions to the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery and the United Nations Voluntary Trust Fund for Victims of Trafficking in Persons, Especially Women and Children;

16. *Requests* the United Nations High Commissioner for Human Rights to ensure that the Special Rapporteur on trafficking in persons, especially women and children, receives the resources necessary to enable the mandate holder to discharge the mandate fully;

17. *Decides* to continue consideration of the issue of trafficking in persons, especially women and children, in accordance with its annual programme of work.